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OFFICE OF PETITIONS

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NEW YORK NY 10036-8403

In re Application of :
Kassan, et al. : DECISION ON PETITION
Application No. 09/824,404 :
Filed: April 2, 2001 :
Atty. Dkt. No.: P/3704-15 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 8, 2010.

The Notice of Abandonment mailed January 5, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the decision by the Board of Patent Appeals and Interferences, mailed October 28, 2009.

Petitioner asserts that on December 28, 2009, a request for continued examination (RCE) (including fee and submission) was timely filed within two months of mail date of the decision by the Board of Patent Appeals and Interferences mailed October 28, 2009.

The RCE filed December 28, 2009 has been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 2156 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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